

RESOLUTION NO. 08-7547

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, CONFIRMING THE REPORT OF THE
FIRE CHIEF ON THE COST OF WEED ABATEMENT AND
CONFIRMING THE ASSESSMENT**

BE IT RESOLVED BY THE CITY OF SANTA CLARA, CALIFORNIA, AS FOLLOWS:

WHEREAS, in accordance with the provisions of Section 8.15.080 of "The Code of the City of Santa Clara, California," the Fire Chief duly published and posted a Notice to Destroy Weeds, giving notice to the designated property owners to remove all weeds from their property in abutting half of the street in fronts and alleys, if any, behind their property and between lot lines as extended, or weeds would be destroyed or removed and the nuisance abated by City authorities; and,

WHEREAS, if the City is required to perform weed abatement, the cost of the destruction or removal, including an administrative fee, will be assessed upon the lots or lands from which weeds have been destroyed or removed; and such costs shall constitute a lien upon said lots until paid, or will be collected upon the next tax roll upon which general municipal taxes are collected; and,

WHEREAS, the City Council held a hearing on January 22, 2008 to consider all objections to the proposed destruction or removal of such weeds; and at the hearing, the City Council did, by Resolution No. 7385, order the County Agricultural Commissioner to abate nuisances designated under Section 8.15.060 of the Code of the City of Santa Clara, or cause the same to be abated by having the weeds destroyed or removed by cutting, disking, chemical spraying, or any other method as may be determined by the City Manager or her designee; and,

WHEREAS, affected property owners have been requested to destroy or remove the weeds at the property owner's expense, and removal of weeds was required to have taken place prior to the inspection of the County Agricultural Commissioner or his authorized representatives; and,

WHEREAS, following said inspection, which revealed that property owners had failed to remove the weeds, the County Agricultural Commissioner caused the weeds to be removed; and,

WHEREAS, the County Agricultural Commissioner has kept an account of the properties requiring abatement, and cost of abating; and,

WHEREAS, the County Agricultural Commissioner sent the assessment list to the City Council and filed a report with the City Clerk referring to each separate lot or parcel of land by description sufficient to identify it, together with the costs proposed to be assessed against it; and,

WHEREAS, the City Clerk posted and published the Notice of Hearing on the report, assessment for weed abatement and opportunity to object, all in accordance with the Chapter 8.15 of the City Code; and,

WHEREAS, the Notice of Hearing on the report and assessment for weed abatement further specified the day, hour and place as August 19, 2008 when the assessment list and report would be presented to the City Council for consideration and confirmation, and that any persons interested who have objection to the report and assessment list may appear at the designated time and place and be heard; and,

WHEREAS, the hearing has been held, and the report has been considered by the City Council, along with any other statements by staff, and all objections or protests having been heard and duly considered:

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA, CALIFORNIA, AS FOLLOWS:

1. That all of the protests or objections of every kind and nature be, and the same are hereby overruled or denied.
2. That the above referenced report of the County Agricultural Commissioner is hereby confirmed.
3. That the list of the properties shall be assessed in the amount set opposite each description to pay the cost of the assessment and is available in the Fire Marshal's Office for public review.
4. That, pursuant to the provisions in Chapter 8.15, if the cost assessed against each of the properties is not paid with applicable property taxes, a lien shall be placed on the property. The lien shall continue until the assessment and any or all interest or penalties is paid or until it is discharged of record.

5. The City Manager or her designee, the Chief of the Fire Department, is hereby directed to provide a copy of this resolution to the County Agricultural Commissioner of the County of Santa Clara, California, who shall enter the amount on the County Assessment Records opposite the description of the particular property, and the amount shall be collected together with all other taxes against the property.

6. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF, HELD ON THE 19th DAY OF AUGUST, 2008, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Caserta, Kennedy, Kolstad, Kornder, McLeod and Moore and Mayor Mahan
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST:



ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA